

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DOCKET#
U.S. DISTRICT COURT
WEST DIST. OF WISCONSIN

AUG 14 2008

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT G. SCHILLING,
SHELBA J. SCHILLING, and
DEAN SCHILLING,

Defendants.

FILED
THERESA M. OWENS, CLERK
CASE#

Case Number 08-cv-0254-bbc

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above matter coming on to be heard before the above Court, Honorable Barbara B. Crabb, Chief United States District Judge for the Western District of Wisconsin, presiding without a jury, on the 13th day of August, 2008, the plaintiff having appeared by its attorney, the Office of the United States Attorney for the Western District of Wisconsin, and no appearance having been made on behalf of the defendants herein except as may be noted on the record; and it appearing by the declaration of Heidi L. Luehring, Assistant United States Attorney, Office of the United States Attorney, on file herein, that all of the defendants are in default, except as may be set forth in said declaration; and it further appearing that due notice of application for judgment has been made to each of the defendants, and that a certificate of service by mail was filed with the Clerk of the United States District Court for the Western District

of Wisconsin; and the Court having heard the testimony and fully advised in the premises, therefore makes and files the following findings of fact and conclusions of law constituting its decision in this action.

Findings of Fact

1. The allegations of the complaint are proven and true.
2. There is now due and unpaid on said note and mortgage as of the 13th day of August, 2008, the following sum:

SEE ATTACHMENT "A".
3. No proceedings have been had at law or otherwise for the recovery of the sum secured by said note and mortgage.
4. The real estate is so situated that it can be sold in parcels or as a whole without injury to the interest of the parties.
5. The mortgaged premises are described as follows:

SEE ATTACHMENT "B".
6. The mortgaged premises have not been abandoned.
7. Due notice of the pendency of this action was duly filed, after the filing of the complaint herein, on the filing of the Lis Pendens on the 12th day of May, 2008, and more than twenty (20) days prior to the trial of this action, in the Office of the Register of Deeds for Marathon County, Wisconsin, in the manner and form required by law.

Conclusions of Law

1. The plaintiff is entitled to judgment of foreclosure and sale in the usual form, as prayed for in the plaintiff's complaint, and in accordance with the above findings of fact.

2. The summons and complaint in the above action were duly served on the defendants herein, unless service of the summons was waived, in which case the signed waiver form has been filed with the court for said defendants, as set forth in the declaration of Heidi L. Luehring, Assistant United States Attorney, Office of the United States Attorney, on file herein; the time for answering said complaint has expired; no answer or other response or appearance has been served on or received by the plaintiff's attorney from or made by any of the defendants, except as may be set forth in the declaration of Heidi L. Luehring, Assistant United States Attorney, Office of the United States Attorney, attorney for the plaintiff.

3. The plaintiff is entitled to recover from the defendants the following sum:

SEE ATTACHMENT "A".

4. The mortgaged premises shall be sold as a whole or in parcels, at the discretion of the plaintiff.

5. The mortgaged premises have not been abandoned.

6. Deficiency judgment is not being sought in this action.

7. Sale of the premises shall be conducted by or under the direction of the United States Marshal for the Western District of Wisconsin. Notice of sale shall be

made by publication in the Wausau Daily Herald, the newspaper published in the City of Wausau, County of Marathon, State of Wisconsin.

8. Defendants and their heirs, respectively, and all persons claiming under them or any of them, after the filing of notice of the pendency of this action, be forever barred and foreclosed of all right, title, interest, and equity of redemption in said mortgaged premise so sold.

Now, on application of the Office of the United States Attorney for the Western District of Wisconsin, attorney for the plaintiff,

IT IS ORDERED that judgment of foreclosure and sale of said mortgaged premises, in the usual form as provided by and in accordance with the above findings of fact and conclusions of law, be entered in this action.

Dated this 13th day of August, 2008.

BY THE COURT:

Barbara B. Crabb

BARBARA B. CRABB
Chief United States District Judge
Western District of Wisconsin